

Name _____

US History

ESSAY: Landmark Supreme Court Case

PURPOSE

Many believe that the Constitution, a 200+ year old document, is no longer relevant to the current issues that face our country. They are wrong.



The purpose of this project is to a) understand the ways in which the Constitution continues to shape our daily lives, b) study a series of landmark cases that changed the history of our country, and c) work on academic writing skills. Each student will become an expert on a case and the issues presented within it, and come up with a compelling and engaging paper on it. Each student will present his or her paper at the culmination of the unit.

DUE DATES

Today: Share document, choose court case.

Friday, 10/25: Research due via google doc

Friday, 11/1: Outline for paper due via google doc

Sunday 11/3: Paper Due via google doc, presentations begin. Beta and Zeta: 4-5 pages. Alpha and Delta: 3-4 pages

RESOURCES

“Landmark Cases of the US Supreme Court” <http://www.streetlaw.org/en/landmark.aspx>

Oyez!

<http://www.oyez.org>

PBS – The Supreme Court

<http://www.pbs.org/wnet/supremecourt/timeline/index.html>

Library Resources to be determined by Ms. Hamm

Student Name:

THE CASE – What’s it all about?

The case was clearly understood and stated _____ / 5

THE OPINION – What did the Supreme Court decide?

The opinion of the court was clearly understood and stated _____ / 5

THE LEGAL CONCEPTS – What principles are involved?

The key legal concepts and areas of the Constitution
are understood and stated _____ / 5

THE SIGNIFICANCE – So what? What’s it got to do with me?

The significance of the case was clearly understood and stated _____ / 5

THE WRITER – Mechanics and personhood

The writer makes few grammatical and spelling errors _____ / 3

The writer was respectful and on task during class _____ / 2

TOTAL _____ / 25

HERE ARE YOUR CHOICES:

1. MARBURY V MADISON

At the end of President John Adams' term, his Secretary of State failed to deliver documents commissioning William Marbury as Justice of the Peace in the District of Columbia. Once President Thomas Jefferson was sworn in, in order to keep members of the opposing political party from taking office, he told James Madison, his Secretary of State, to not deliver the documents to Marbury. Marbury then sued James Madison asking the Supreme Court to issue a writ requiring him to deliver the documents necessary to officially make Marbury Justice of the Peace. The *Marbury v. Madison* decision resulted in establishment of the concept of judicial review.

2. ROE V WADE

Jane Roe was an unmarried and pregnant Texas resident in 1970. Texas law made it a felony to abort a fetus unless "on medical advice for the purpose of saving the life of the mother." Roe filed suit against Wade, the district attorney of Dallas County, contesting the statute on the grounds that it violated the guarantee of personal liberty and the right to privacy implicitly guaranteed in the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. In deciding for Roe, the Supreme Court invalidated any state laws that prohibited first trimester abortions.

3. MIRANDA V ARIZONA

Ernesto Miranda was arrested after a crime victim identified him, but police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination, or of his Sixth Amendment right to the assistance of an attorney. While he confessed to the crime, his attorney later argued that his confession should have been excluded from trial. The Supreme Court agreed, deciding that the police had not taken proper steps to inform Miranda of his rights.

4. TINKER V DES MOINES

John and Mary Beth Tinker of Des Moines, Iowa, wore black armbands to their public school as a symbol of protest against American involvement in the Vietnam War. When school authorities asked that the Tinkers remove their armbands, they refused and were subsequently suspended. The Supreme Court decided that the Tinkers had the right to wear the armbands, with Justice Abe Fortas stating that no one expects students to "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

5. DRED SCOTT V SANFORD

In 1834, slave Dred Scott was purchased in Missouri and then brought to Illinois, a free (non-slave) state. His owner and he later moved to present-day Minnesota where slavery had been recently prohibited, and then back to Missouri. When his owner died, Scott sued the widow to whom he was left, claiming he was no longer a slave because he had become free after living in a free state. At a time when the country was in deep conflict over slavery, the Supreme Court decided that Dred Scott was not a "citizen of the state" so they had no jurisdiction in the matter, but the majority opinion also stated that he was not a free man.

6. HAZELWOOD V KUHLMIEIER

Hazelwood East High School Principal Robert Reynolds procedurally reviewed the Spectrum, the school's student-written newspaper, before publication. In May 1983, he decided to have certain pages pulled because of the sensitive content in two of the articles, and acted quickly to remove them in order to meet the paper's publication deadline. The journalism students felt that this censorship was a direct violation of their First Amendment rights. The Supreme Court decided that Principal Reynolds had the right to such editorial decisions, as he had "legitimate pedagogical concerns."

7. KOREMATSU V UNITED STATES

After Pearl Harbor was bombed in December 1941, the military feared a Japanese attack on the U.S. mainland and the American government was worried that Americans of Japanese descent might aid the enemy. In 1942, President Franklin D. Roosevelt signed an executive order forcing many West Coast Japanese and Japanese Americans into internment camps. Fred Korematsu, a Japanese American, relocated and claimed to be Mexican-American to avoid being interned, but was later arrested and convicted of violating an executive order. Korematsu challenged his conviction in the courts saying that Congress, the President, and the military authorities did not have the power to issue the relocation orders and that he was being discriminated against based on his race. The government argued that the evacuation was necessary to protect the country and the federal appeals court agreed. Korematsu appealed this decision and the case came before the U.S. Supreme Court. The Court agreed with government and stated that the need to protect the country was a greater priority than the individual rights of the Japanese and Japanese Americans.

8. MAPP V OHIO

Suspicious that Dollree Mapp might be hiding a person suspected in a bombing, the police went to her home in Cleveland, Ohio. They knocked on her door and demanded entrance, but Mapp refused to let them in because they did not have a warrant. After observing her house for several hours, the police forced their way into Mapp's house, holding up a piece of paper when Mapp

demanded to see their search warrant. As a result of their search, the police found a trunk containing pornographic materials. They arrested Mapp and charged her with violating an Ohio law against the possession of obscene materials. At the trial the police officers did not show Mapp and her attorney the alleged search warrant or explain why they refused to do so. Nevertheless, the court found Mapp guilty and sentenced her to jail. After losing an appeal to the Ohio Supreme Court, Mapp took her case to the U.S. Supreme Court. The Court determined that evidence obtained through a search that violates the Fourth Amendment is inadmissible in state courts.

9. NEW JERSEY V TLO

A New Jersey high school student was accused of violating school rules by smoking in the bathroom, leading an assistant principal to search her purse for cigarettes. The vice principal discovered marijuana and other items that implicated the student in dealing marijuana. The student tried to have the evidence from her purse suppressed, contending that mere possession of cigarettes was not a violation of school rules; therefore, a desire for evidence of smoking in the restroom did not justify the search. The Supreme Court decided that the search did not violate the Constitution and established more lenient standards for reasonableness in school searches.

10. PLESSY V FERGUSON

In 1890, Louisiana passed a statute called the Separate Car Act declaring that all rail companies carrying passengers in Louisiana must provide separate but equal accommodations for white and non-white passengers. The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail. A group of black citizens joined forces with the East Louisiana Railroad Company to fight the Act. In 1892, Homer Plessy, who was one-eighth black, purchased a first-class ticket and sat in the white-designated railroad car. Plessy was arrested for violating the Separate Car Act and argued in court that the Act violated the Thirteenth and Fourteenth Amendments to the Constitution. After losing twice in the lower courts, Plessy took his case to the U.S. Supreme Court, which upheld the previous decisions that racial segregation is constitutional under the separate but equal doctrine.

11. REGENTS OF CALIFORNIA V BAKKE

In the early 1970s, the medical school of the University of California at Davis devised a dual admissions program to increase representation of disadvantaged minority students. Allan Bakke was a white male who applied to and was rejected from the regular admissions program, while minority applicants with lower grade point averages and testing scores were admitted under the specialty admissions program. Bakke filed suit, alleging that this admissions system violated the Equal Protection Clause and excluded him on the basis of race. The Supreme Court found for Bakke against the rigid use of racial quotas, but also established that race was a permissible criteria among several others.

12. TEXAS V JOHNSON

In a political demonstration during the Republican National Convention in Texas, protesting the policies of the Reagan Administration and of certain corporations based in Dallas, Gregory Lee Johnson doused an American flag with kerosene and set it on fire. No one was hurt or threatened with injury, but some witnesses said they were seriously offended, and Johnson was charged and convicted with the desecration of a venerated object, in violation of the Texas Penal Code. In a split decision, the Supreme Court determined that Johnson's actions were symbolic speech protected by his First Amendment Rights.

13. TINKER V DES MOINES

John and Mary Beth Tinker of Des Moines, Iowa, wore black armbands to their public school as a symbol of protest against American involvement in the Vietnam War. When school authorities asked that the Tinkers remove their armbands, they refused and were subsequently suspended. The Supreme Court decided that the Tinkers had the right to wear the armbands, with Justice Abe Fortas stating that no one expects students to "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."